

1 Joel E. Boxer - State Bar No. 50169  
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2 Bonita D. Moore - State Bar No. 221479  
bdm@birdmarella.com  
3 BIRD, MARELLA, BOXER, WOLPERT,  
NESSIM, DROOKS & LINCENBERG, P.C.  
4 1875 Century Park East, 23rd Floor  
Los Angeles, California 90067-2561  
5 Telephone: (310) 201-2100  
Facsimile: (310) 201-2110

6  
7 Attorneys for James P. Spears and Andrew  
M. Wallet as Co-Conservators of the Estate  
8 of Britney Jean Spears, on behalf of  
Defendant Britney Jean Spears

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

JAN 20 2012

John A. Clarke, Executive Officer/Clerk  
BY Mary Flores, Deputy

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

12 SAM LUTFI, an individual,  
13 Plaintiff,

14 vs.

15 LYNNE IRENE SPEARS, an individual,  
JAMES PARNELL SPEARS, an  
16 individual, BRITNEY JEAN SPEARS, an  
individual; and DOES 1 through 25,  
17 inclusive,

18 Defendants.

CASE NO. BC 406904

**REQUEST FOR JUDICIAL NOTICE**

**(SUBMITTED IN SUPPORT OF CO-  
CONSERVATORS' MOTION UNDER  
CRC 2.551(b)(3)(B))**

Date: TBD  
Time: TBD  
Dept.: TBD

*Assigned to Dept. 1 for Reassignment*

Action Filed: February 3, 2009  
Trial Date: Vacated

1 Pursuant to California Evidence Code § 452(d)(1), the Co-Conservators of the  
2 Estate of Conservatee Britney Jean Spears, a named defendant in the within action,  
3 requests that this Court in connection with the hearing on their motion made under CRC  
4 2.551(b)(3)(B) to retain as sealed certain documents, take judicial notice of the following  
5 orders issued by the Honorable Scott Gordon of this Court:

6 1. In Los Angeles Superior Court Case No. BD455662, the Minute Order dated  
7 October 3, 2007, a true and correct copy of which is attached hereto and marked as  
8 **Exhibit 1**; and

9 2. In Los Angeles Superior Court Case No. BD455662, a written order filed  
10 September 17, 2007, regarding request to seal documents, a true and correct copy of which  
11 is attached hereto and marked as **Exhibit 2**.

12  
13 DATED: January 20, 2012

Respectfully submitted,

14 Joel E. Boxer  
15 Bonita D. Moore  
16 BIRD, MARELLA, BOXER, WOLPERT,  
NESSIM, DROOKS & LINCENBERG, P.C.

17  
18 By: 

Joel E. Boxer

19 Attorneys for James P. Spears and Andrew M.  
20 Wallet as Co-Conservators of the Estate of Britney  
21 Jean Spears, on behalf of Defendant Britney Jean  
22 Spears  
23  
24  
25  
26  
27  
28



# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date	10-03-07				Dept: CE88
Honorable		Judge	M. ARNOLD		Deputy Clerk
Honorable	SCOTT M. GORDON	Judge Pro Tem	R. WILLIAMS		Court Assistant
35	S. VARTAZAROV	Deputy Sheriff	GINGER WELKER, CSR#5585		Reporter

1:30 pm

BD455662

Britney Spears (N/A)

VS.

Kevin Federline (X)

Counsel For  
Petitioner:

TROPE AND TROPE - By: SORRELL  
TROPE and LORI A. HOWE and  
TARA L. SCOTT (X)

Counsel For  
Respondent:

KAPLAN & SIMON - By: MARK  
VINCENT KAPLAN and JAMES M.  
SIMON (X)

## NATURE OF PROCEEDINGS: EX PARTE APPLICATION - FILED BY RESPONDENT

Matter is called for hearing.

Petitioner's oral motion pursuant to Section 214 F.C. is granted and the matter  
proceeds as a closed hearing.

The Court and all parties present confer on the record.

The Court makes the following findings pursuant to Family Code §3087. The  
Court made further specific factual findings pursuant to Family Code §3087 as are  
described in the transcript of these proceedings. Family Code §3087 provides  
that: An order for joint custody may be modified or terminated upon the petition of  
one or both parents or on the Court's own motion if it is shown that the best

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EX/

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interest of the child requires modification or termination of the order. If either parent opposes the modification or termination order, the Court shall state in its decision the reasons for modification or termination of the joint custody order.

On August 8, 2007, the Respondent filed an Order to Show Cause Re:  
Modification of Child Custody; Visitation; Injunctive Order; and Attorney Fees and Costs (Respondent's OSC).

A hearing on the Respondent's OSC was held on September 17, 2007.

Respondent's OSC was continued to November 26, 2007, at the Petitioner's request in order to complete a requested Child Custody Evaluation and to allow the parties to conduct discovery and other preparation for the hearing.

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Based on the evidence presented by the parties in their respective pleadings and during the course of the hearing, the Court made certain orders pursuant to Family Code §3022 (Family Code §3022 provides: The Court may, during the pendency of a proceeding or at any time thereafter, make an order for the custody of a child during minority that seems necessary or proper.)

On September 17, 2007, the Court made certain specific orders with regard to the minor children. The September 17, 2007, orders provided:

*The Court makes the following interim orders pursuant to Family Code Section 3022. These orders are made without prejudice pending the child custody evaluation and the full hearing on the Respondent's Order to Show Cause Re: Modification of Child Custody and Visitation.*

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SIMON (X)

*For purposes of clarification the minor children referred to in these orders are  
Sean Preston Federline, Birth Date: 09-14-05; Jayden James Federline, Birth  
Date: 09-12-06.*

*Counsel have met and conferred with regard to selecting a Child Custody  
Evaluator and have been unsuccessful. Counsel for respondent has previously  
submitted his list of proposed evaluators. Counsel for petitioner is directed to  
submit a listing of three proposed evaluators within 24 hours of this date and the  
Court will make the determination.*

*Counsel are ordered to forward a copy of the orders issued this date to the Child  
Custody Evaluator.*

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*The Court declines to modify the existing custodial timeshare.*

*The parties' stipulated custodial arraignment as set forth in the Second Further Judgment, remains in full force and effect with the following terms and conditions imposed.*

*Neither party shall remove the minor children from the State of California, absent the prior written consent of the other parent or prior order of the Court. In all instances of out of state travel with the minor children, whether through stipulation of the parties or prior order of the Court, the party removing the child from the state shall provide the other parent with a full itinerary, complete with all addresses and telephone numbers for the location(s) of where the children will be staying for the*



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SIMON (X)

*duration of the trip. Said itinerary shall further contain all travel arraignments,  
including flight numbers for the children.*

*Each party is restrained from making derogatory remarks about the other party  
and the other party's family or significant other, either directly or indirectly to the  
minor children, and from allowing anyone else to do so. This includes any person  
employed by the parties.*

*Each party is ordered to complete the PARENTING WITHOUT CONFLICT  
program and file verification of completion with the court. Each party to submit  
verification of enrollment in either the Parenting Without Conflict program or other  
equivalent program within five days of this date.*

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Honorable

Honorable SCOTT M. GORDON

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Deputy Sheriff

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Britney Spears (N/A)  
VS.

Counsel For  
Respondent:

KAPLAN & SIMON - By: MARK  
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SIMON (X)

Kevin Federline (X)

*Each party is restrained from using corporal punishment with the minor children  
and from allowing anyone else to do so.*

*Parties may select an alternative mental health professional to assist them and  
provide the Court with written notification of their selection within five days of this  
date in lieu of the Parenting Without Conflict program.*

*Parties are to engage in joint co-parenting counseling. Parties are ordered to  
equally share in the costs for the joint co-parenting counseling. Counsel are  
ordered to meet and confer with regard to selecting a therapist. In the event that  
counsel are unable to reach an agreement within five days of this date, they are  
each to submit a listing of three proposed therapists and the Court will make the  
determination.*

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				Reporter	

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SIMON (X)

*Neither party shall consume alcohol or other non-prescription controlled substance during or for the 12 hours immediately preceding any period such party is responsible for the health and safety of the minor children.*

*Petitioner shall engage in individual counseling to address parenting issues at least once per week. Counsel for petitioner is to provide the Court with written notice as to the professional selected within ten days of this date.*

*Each party shall advise the other of his or her current residence address, and phone numbers and shall advise the other of any changes within 24 hours of any such changes.*

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*Each party is ordered to notify the other within 48 hours of any change in the employment status of the children's existing child care professionals.*

*Each party is ordered to notify the other within 24 hours of retaining any new child care professional for the minor children.*

*Any prospective child care professional for the minor children must hold valid certifications by the American Red Cross in Infant and Child CPR as well as in Basic First Aid. In the event that the existing child care professionals do not possess these certifications, the certifications must be obtained forthwith.*

*Pursuant to the stipulation of the parties, the Petitioner is ordered to meet with a Parenting Coach for a minimum of eight hours each week, in at least two sessions*

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*per week. The Parenting Coach is to observe the Petitioner's interaction with the minor children and her parenting skills. Counsel are ordered to meet and confer with regard to selecting the parenting coach. In the event that counsel are unable to reach an agreement within five days of this date, they are each to submit a listing of three proposed coaches and the Court will make the determination.*

*Costs for the Parenting Coach to be borne by the Petitioner.*

*The Parenting Coach shall provide each counsel with a written progress report by October 22, 2007. The Parenting Coach shall appear in Department 88 on November 26, 2007.*

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SIMON (X)

*Pursuant to Family Code Section 3041.5, the Petitioner is ordered to undergo testing for the use of controlled substances and alcohol. Based on the Evidence presented, the Court finds that there is a habitual, frequent, and continuous use of controlled substances and alcohol by the Petitioner.*

*The costs of testing shall be paid by Petitioner.*

*Testing shall be conducted twice per week on random dates and times.*

*The results of said testing shall be forwarded to the Court and will be sealed in the Court file. The testing facility is specifically ordered to file hard copies of the results directly with the Court. The testing facility is ordered not to fax the results to the Court. The results shall not be released except upon order of the*

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*Court. Any person receiving test results upon order of the Court shall receive notice that unauthorized distribution of test results is punishable by civil sanctions of up to \$2,500. (Family Code Section 3041.5).*

*Counsel are ordered to meet and confer with regard to selecting a testing facility in conformity with Section 3041.5 F.C.. If counsel are unable to agree upon a facility within five days of this date, the testing shall be conducted through Sentinel Offender Services.*

*The Court orders that the testing facility is to give notices of testing directly to petitioner and not through her counsel or representatives.*

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2:30 pm

BD455662

Counsel For  
Petitioner:

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TROPE and LORI A. HOWE and  
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Counsel For  
Respondent:

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SIMON (X)

On September 24, 2007, the Court conducted a Status Conference with the parties regarding the September 17, 2007, orders. Based on information received at that conference, the Court made certain orders, as reflected in the submitted Order After Hearing.

The Court further ordered that as of 10:00 a.m. on October 1, 2007, the Petitioner must present a signed copy of the Court's September 17, 2007, Order After Hearing in conformity with that order or personally appear in Department 88 of the Los Angeles County Superior Court.

A hearing was held on October 1, 2007. The Petitioner did not appear at this hearing; however she was represented by counsel. The Petitioner did not present



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a signed copy of the Court's orders as directed in the Court's September 17, 2007  
and September 24, 2007 order.

Based on the arguments of counsel and evidence presented at that hearing, the  
Court made orders as reflected in the Court's Order of October 1, 2007.

Specifically, the parties represented that the Respondent was to begin a period of  
visitation with the minor children on October 1, 2007, at 12:00p.m. lasting until  
October 3, 2007 at 12:00 p.m. The Court ordered that at the scheduled conclusion  
of that visit, the minors would remain in the Respondent's custody pending the  
hearing on Respondent's *Ex Parte Order to Show Cause* set for October 3, 2007  
at 1:30 p.m.

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The hearing on the Respondent's *Ex Parte* Order to Show Cause was held on October 3, 2007. Based on the evidence presented at the hearing and the arguments of counsel, the Court makes the following orders pursuant to Family Code §3022 and Family Code §3064. ( The Court notes: *In re Marriage of Slayton & Biggums-Slayton* (2001) 86 Cal. App. 4th 653, and the reference to Penal Code section 11165.2 (b) with regard to orders made pursuant to Family Code §3064)

The Petitioner offered evidence of compliance with a number of the specific orders made by the Court on September 17, 2007. However the Court finds that based on the evidence presented and recorded within the transcript of the proceedings, the Petitioner was not in substantial compliance with material provisions of the Court's September 17, 2007, order.

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Based upon the evidence presented, the Court makes the following orders:

The Court's order of October 1, 2007, shall remain in full force and effect. The parties will continue to share joint legal and physical custody.

The minor children shall remain in the custody of the Respondent with the exception of those specific dates and times as ordered by the Court in the transcript of the proceedings.

Pending the further order of the Court, all visitation with the Petitioner, shall be in the presence of a monitor. The monitor shall be either the professional designated as the Parenting Coach by the Court, a monitor selected by the

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parties from the approved Los Angeles Superior Court list or an individual  
stipulated to by the parties in writing.

The monitor shall terminate visitation immediately if any conduct or action by the  
Petitioner endangers the minor children.

The monitor shall inform the parties and Court in writing forthwith if any such  
visitation is terminated by the monitor. The monitor's report shall describe the  
specific events and reason giving rise to a termination of visitation.

A copy of this order shall be provided to any person acting within the  
capacity of monitor as described in this order.

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Counsel For  
Petitioner:

TROPE AND TROPE - By: SORRELL  
TROPE and LORI A. HOWE and  
TARA L. SCOTT (X)

Counsel For  
Respondent:

KAPLAN & SIMON - By: MARK  
VINCENT KAPLAN and JAMES M.  
SIMON (X)

The Petitioner shall bear all costs for the monitors.

The Court repeats its orders with regard to drug testing and the protocol for testing. The Court expressly indicates that a missed test, refusal to submit to a test, or failure to respond to the testing agency's call as specified in the September 17, 2007, order shall be deemed by the Court as a failed test.

The Petitioner shall forthwith commence individual counseling as ordered in the September 17, 2007, order. The Petitioner shall complete at least three individual counseling sessions by the next hearing.

# SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Date 10-03-07

Honorable

Honorable SCOTT M. GORDON

35 S. VARTAZAROV

Judge

M. ARNOLD

Judge Pro Tem

R. WILLIAMS

Deputy Sheriff

GINGER WELKER, CSR#5585

Dept: CE88

Deputy Clerk

Court Assistant

Reporter

1:30 pm

BD455662

Britney Spears (N/A)

VS.

Kevin Federline (X)

Counsel For  
Petitioner:

TROPE AND TROPE - By: SORRELL  
TROPE and LORI A. HOWE and  
TARA L. SCOTT (X)

Counsel For  
Respondent:

KAPLAN & SIMON - By: MARK  
VINCENT KAPLAN and JAMES M.  
SIMON (X)

The parties shall forthwith commence joint counseling as ordered in the  
September 17, 2007, order. The parties shall complete at least three joint  
counseling sessions by the next hearing.

The Court continues this matter to October 26, 2007 at 1:30 p.m.

The parties are ordered to personally appear in Department 88, Los Angeles  
Superior Court at 111 North Hill Street, Los Angeles, California on October  
26, 2007 at 1:30 p.m.

FORTHWITH each party is to be provided a copy of the Court's Orders and  
are ordered to sign the order acknowledging both receipt of the Order and

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

Date 10-03-07

Honorable

Honorable SCOTT M. GORDON

35 S. VARTAZAROV

Judge

M. ARNOLD

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R. WILLIAMS

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1:30 pm

BD455662

Britney Spears (N/A)

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Kevin Federline (X)

Counsel For  
Petitioner:

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TROPE and LORI A. HOWE and  
TARA L. SCOTT (X)

Counsel For  
Respondent:

KAPLAN & SIMON - By: MARK  
VINCENT KAPLAN and JAMES M.  
SIMON (X)

confirmation that they have read the orders contained therein. The signed  
acknowledgments are to be filed with the Court forthwith.

THE COURT ORDERS THAT THE PORTION OF THE TRANSCRIPT OF  
PROCEEDINGS FOR THE CLOSED HEARING HELD IN THIS MATTER ON  
THIS DATE IS ORDERED SEALED AND IS OBTAINABLE ONLY BY COUNSEL  
OF RECORD APPEARING THIS DATE OR BY ORDER OF THE COURT.

The Court's Orders are effective forthwith. All prior orders not modified by  
this order shall remain in full force and effect.

Counsel for Respondent is ordered to prepare the Order After Hearing.

Page 20 of 20

DEPT: CE83

MINUTES ENTERED  
10-03-07  
COUNTY CLERK





**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES**

**FILED**

IN AND TO THE SUPERIOR COURT

**RECEIVED****SEP 17 2007****SEP 17 2007**FRED AND GOLDSMAN  
& Professional Corporation**In re the Marriage of:****Petitioner:****BRITNEY SPEARS****and****Respondent:****KEVIN FEDERLINE****CASE NUMBER:****BD456662****COURT'S ORDER REGARDING  
REQUEST TO SEAL DOCUMENTS**

Unless confidentiality is required by law, court records are presumed to be open to the public (CRC 2.550(c)). Therefore, pleadings, motions, discovery documents, and other papers may not be filed under seal merely by stipulation of the parties. A prior court order must be obtained. CRC 2.551(a). A motion or application is required, accompanied by points and authorities and supported by declarations stating facts justifying the sealing. CRC 2.551(b).

In this matter, the Petitioner has brought a properly noticed Motion to Seal the Second Further Judgment on Reserved Issues. The Respondent has joined in this motion. The Court has also received pleadings and arguments from Non-Party Press Organizations. On September 14, 2007, the Petitioner brought an *Ex Parte* Motion to extend her Motion to Seal to all pleadings in this matter dealing with child custody and visitation issues.



Family Code §214 pertains to a court's discretion to family law proceedings when it is the interest of justice and in the interest of the litigants involved in the case. This statute provides that:

*Except as otherwise provided in this code or by court rule, the court may, when it considers it necessary in the interests of justice and the persons involved, direct the trial of any issue of fact joined in a proceeding under this code to be private, and may exclude all persons except the officers of the court, the parties, their witnesses, and counsel.*

Family Code §214 was enacted in 1994 with the passage of legislation creating the California Family Code. The statute derives from former California Civil Code sections including California Civil Code §84 enacted in 1963. There have been few cases that have discussed the applicability of the statute.

*In re Marriage of Lechowick* (1998) 85 Cal. App. 4th 1406, addressed issues surrounding the closure of family law proceedings. In that case, the appellant had raised issues concerning the closure of proceedings in a family law case and sealing court records. The Court in *Lechowick* held that Family Law Code §214 applied only to the closure of hearings.

The only other case dealing with this statute which authorizes a court making family law hearings private states: "In an action for divorce . . . the court may direct the trial of any issue of fact joined therein to be private . . ." The court's exclusion of the public in this case was well within the purview of that section. *It was done for the good of the child, a*

*purpose that would not be best subserved by further discussion. Whitney v. Whitney*  
(1958) 164 Cal. App. 2d 577

The issue of sealing financial records in family law cases has been addressed. In *Burkle*, the trial court ordered the redaction of certain financial information pursuant to a provision of the Family Code authorizing the sealing of the records upon the request of the parties. *Burkle*, supra, 135 CA4th at 1049. The Court in *Burkle* found the blanket sealing statute unconstitutional and held that the test provided in *NBC Subsidiary* applied to dissolution cases.

*NBC Subsidiary (KNBC-TV), Inc. v. Sup.Ct. (Locke)* (1999) 20 C4th 1178, dealt with a non-family law civil trial. In that case, two prominent celebrities were involved in civil litigation regarding several property and financial issues. In making orders to close the proceeding, the trial court was concerned about the jury's exposure to influence from the media and entered, on its own motion, an order excluding the public and journalists from all proceedings that did not occur in the presence of the jury and providing that transcripts would not be released until after the conclusion of trial. The appellate court reversed, and the California Supreme Court affirmed, finding that First Amendment standards governed closure of trial proceedings applied in a civil setting, that closure of the underlying civil action triggered First Amendment scrutiny, and the trial court's closure order failed to meet minimum requirements imposed by the state "open court" statute, as interpreted in light of requirements of the First Amendment.

*NBC Subsidiary* limits its finding to the right of access in "ordinary civil proceedings in general and not any right of access to particular proceedings governed by specific statutes," acknowledging that "various statutes set out, for example, in the Code of Civil Procedure, Family Code, and Welfare and Institutions Code provide for closure of certain civil proceedings." *Id.* at 1212, fn. 30.

To grant an order sealing court records, the court must expressly find that: (1) an overriding interest exists that overcomes the right of public access to the record; (2) the overriding interest supports sealing the records; (3) a substantial probability exists that the overriding interest will be prejudiced if the record is not sealed; (4) the proposed sealing is narrowly tailored; and (5) no less restrictive means exist to achieve the overriding interest. CRC 2.550(d), *NBC Subsidiary*, *supra*, 20 C4th at 1217-1218.

A footnote of *NBC Subsidiary* discusses various "overriding interests" that courts have acknowledged as justifying closure or sealing: protection of minor victims of sex crimes (*Globe Newspaper Co. v. Sup.Ct.* (1982) 457 US 596, 607), privacy interests of a prospective juror during individual voir dire (*Press-Enterprise Co. v. Sup.Ct.* (1984) 464 U.S. 501, 512), protection of witnesses from embarrassment or intimidation so extreme that it would traumatize them or render them unable to testify (*Rovinsky v. McKaskle* (1984) 722 F.2d 197, 200). *NBC Subsidiary*, *supra*, 20 C4th at 369, fn. 46.

Courts have permitted the sealing of several different types of documents under the *NBC Subsidiary* test. (Documents containing trade secrets, *In re Providian Credit Card*

Cases (2002) 96 Cal.App.4th 292, 300, documents containing material protected by a privilege, *Huffy Corp. v. Sup.Ct. (Winterthur Swiss Ins. Co.)* (2003) 112 Cal.App.4th 97, 108, documents dealing with attorney-client privilege and confidential settlement agreements, *Universal City Studios, Inc. v. Sup.Ct.* (2003) 110 Cal.App.4th 1273, 1283).

It is clear that the Legislature has long maintained a concern and made provisions for the privacy of children who are brought into various types of Family Law litigation. As provided for in the statutes described above, the possible stigma to a child surrounding issues relating to the determinations involved in a paternity case have been legislatively determined to overcome the presumption of openness of proceedings. Additionally, the Legislature has determined that the issues surrounding the mediation of child custody disputes, child custody evaluations, psychological evaluations of children, adoption proceedings, hearings regarding the custody of children with non-parents and the termination of parental rights deal with issues that require the court to provide for the privacy and protection of the children who are brought into the justice system to deal with these very personal issues. In addition to the protections afforded to children by these statutes, the Legislature has provided Family Code §214 to family law trial courts.

The Petitioner and Respondent have argued that this comprehensive legislative scheme providing for the privacy interests of children involved in family law proceedings creates a presumption that hearings dealing with issues of child custody and visitation are presumed to be closed. This is not the case. However, these statutes provide vivid examples of the types of sensitive and personal issues that family law courts are

required to deal with and they illustrate the clear Legislative policy mandating that those involved in litigating issues regarding the children of California must do so with the needs of those children being held as an overriding concern.

The parties argue that the disclosure of the information they seek to seal could pose a significant threat to the security of the children in this case and would "unnecessarily invade the privacy rights of the parties and the minor children." The Petitioner further argues that the "torrent of publicity generated by this case poses an unprecedented risk of devastating embarrassment to the children as they grow older." The parties further argue that this case has garnered and will continue to generate a tremendous amount of interest by the media.

In her moving documents, the Petitioner argues that she is a performer and one of the most highly visible entertainers in the world. She further argues that this marital dissolution has garnered an unprecedented amount of media attention and the litigation in this matter has caused an increase in the amount of media attention to the case.

The Petitioner argues that due to the level of media attention she has received because of this case and the tactics employed by the journalists covering the issues, her safety and public safety has been threatened on numerous occasions. The Petitioner indicates that as a result of this attention, she employs a full-time security service.

The Non-Party Press Organizations have indicated in their arguments: "[t]o be clear, the Press Organizations agree that the security or privacy of minor children may constitute a compelling interest that upon a proper showing, may justify redacting information from court records in divorce proceedings." In arguing that the Petitioner has not demonstrated a proper showing to justify the sealing of the records, the Non-Party Press Organizations argue that the media scrutiny that the Petitioner receives is something that she has sought and cultivated throughout her career. The Press Organizations further point out that she has in fact made photographs of her children available to the press. In fact, the Press Organizations include as an exhibit to the Non-Party Press Organizations Response to Petitioner's Reply Brief, a print-out of what appears to be a "Google" search for the terms "Sean Preston" "Britney Spears." This exhibit indicates that there were 667,000 results for this specific inquiry. The Press Organizations have included a similar exhibit for the term "Britney Spears" which shows 44,400,000 results.

The Press Organizations couch much of their argument in terms of the language provided in *Estate of Hearst* (1977) 67 Cal.App.3d 777. *Hearst* dealt with an order to seal an entire probate file. The Court in *Hearst* did find that the speculative showing made in the case regarding possible threat to the beneficiaries of the trust did not justify the permanent sealing of the file. However, the Court did indicate that the facts might support a reasonable redaction of the file premised on a showing of ongoing and immediate threat. *Estate of Hearst* (1977) 67 Cal.App.3d 777, 784.



It is interesting to note that the Court in *Hearst* made the following comments: "But when parties perceive advantages in obtaining continuing court supervision over their affairs, thereby projecting their wishes beyond the span of their individual lives and securing court protection for the beneficiaries of their testamentary plans, in a sense they take the good with the bad, knowing that with public protection comes public knowledge of the activities, assets, and beneficiaries of the trust." *Estate of Hearst* (1977) 67 Cal.App.3d 777, 784.

In this matter, the issue is the best interest of the children involved in the case. Unlike the parties in *Hearst*, the parties here have limited their requests to certain portions of the file, those issues dealing with the custody and visitation of the children. In this matter, the children have not been afforded the choice of litigating this matter in public and must suffer the "good and bad" as a result of the decisions of those who care for them. The evidence presented in this case clearly demonstrates a tremendous and ongoing media interest in this case. There has been no evidence presented that refutes these assertions, in fact the exhibits offered by the Non-Party Press Organizations support these contentions. However, the Press Organizations are correct in noting that the arguments made by the parties rest primarily upon the declarations of counsel. The Court has considered all of the pleadings in the case, the arguments of counsel and the exhibits provided by the litigants.

The facts provided here demonstrate that it is in the best interest of the children that the portions of the court file dealing with custody and visitation be redacted pursuant to the

orders below. However, the Non-Party Press Organizations have correctly noted that the factual arguments made by the Petitioner are supported in great measure primarily by the declaration of Petitioner's Counsel. The offer of proof made by Petitioner's Counsel, if supported by competent evidence, clearly supports the Court's orders made below. Therefore, pursuant to *Hearst*, the Court makes the orders described below on a temporary basis and until further hearings and further order of the Court.

The Court finds pursuant to Court Rule 2.550(d) that the facts in this case demonstrate that there is an overriding interest that overcomes the right of public access to the record in this case involving issues of child custody and visitation. The Court further finds that this overriding interest supports sealing the record and that a substantial probability exists that the overriding interest will be prejudiced if the record is not sealed. The Court finds that the orders as described below are narrowly tailored; and that no less restrictive means exist to achieve the overriding interest.

Pursuant to CRC Rule 2.550 (e) (1) (A), the Court finds that this matter has attracted a great deal of media interest. Pursuant to the evidentiary issues noted above, the Court further finds that the level of media interest in this matter and the methods employed by the media in pursuit of this interest has caused an immediate threat to the safety of the minor children in this matter. Additionally the Court finds that the nature of the litigation surrounding the child custody and visitation issues of this case, are such that the release of the records subject to the Order of the Court below would subject the children to unnecessary embarrassment and stigma.

Pursuant to CRC Rule 2.550(e), the Court makes the following orders:

To All Parties and Their Attorneys of Record the Court orders:

1. Pleadings submitted by the parties and experts appointed in the case entitled *Spears v. Federline*, Los Angeles Superior Court Case No. BD455662, including attachments and exhibits, containing information as described below, shall be redacted and sealed, and the records relating thereto shall not be disseminated, disclosed, and/or published in any way, or the substance thereof communicated to anyone other than the Court, the parties, the parties' respective counsel of record and the parties' respective expert witnesses. This order shall apply to pleadings containing the following information which shall be redacted and sealed pursuant to the orders described below.

- a. The addresses of the children's and the parties' places of residence;
- b. The names of parties/organizations providing activities for the children and locations of the children's activities;
- c. Information relating to child custody issues involving the mental and physical health of the parties and the children;
- d. The dates and locations of exchanges of custody of the children relating to visitation;
- e. Specific custody and visitation schedules;
- f. The parties and the children's Social Security numbers;
- g. Dates, locations and itineraries relating to travel by the children;
- h. The names and addresses and contact information of professionals employed by the parties for the sole purpose of providing care to the children;

- i. Descriptions, including license plate numbers of the parties' vehicles, and/or the vehicles of professionals employed by the parties for the sole purpose of providing care to the children;
- j. The name and location of the minor children's schools and/or day care facilities;
- k. Declarations, exhibits and attachments submitted and relating specifically to child custody and visitation issues (this order does not apply to portions of declarations, exhibits and attachments submitted by the parties that consist or are derived from material published in the media that is already in the public domain).

#### **Procedures Regarding Sealing and Redaction:**

The following procedures shall be employed in connection with redacting and sealing information contained within the pleadings that are filed in this matter relating to or containing information subject to the Court's orders, described above:

1. **Service and Confering Regarding Redactions:** The party serving a pleading in this matter on the other party ("Filing Party") shall serve the party receiving the pleading ("Non-Filing Party"), via hand delivery or facsimile, with an un-redacted copy of the pleading *within the statutory time* prescribed for the service of such pleading.
2. The Filing Party shall concurrently serve the Non-Filing Party with his/her proposed redacted copy of the pleading. Counsel for the party shall meet and

confer regarding the redactions to be made to the pleading within 48 hours of the Non-Filing Party's receipt of the pleading.

3. **Filing Original Un-redacted Pleading/Conforming Copy:** The Filing Party shall submit the un-redacted original in a sealed envelope *within the statutory time* prescribed for the filing of such pleading.
4. The outside of the sealed envelope shall contain the following information:

**CONFIDENTIAL ORIGINAL UNREDACTED PLEADING FOR THE COURT  
IN THE MATTER OF:**

**SPEARS v. FEDERLINE, CASE No.: BD455662.**

The Filing Party shall submit the first page of the original un-redacted pleading to the Court Clerk (in Department 88) in order for the copy to be conformed. This copy shall be submitted personally by Counsel for the parties or in a sealed envelope if submitted through an Attorney Service. The Clerk shall conform the copy and return it to the Filing Party.

5. **Filing of Redacted Copy (Stipulated):** If there are no disputes between the parties concerning the redaction of the submitted pleading, the following provisions apply:

- a. Concurrently with the filing of any un-redacted pleading, the parties shall submit a stipulated redacted copy of the pleading, along with an order to be signed by the Court reflecting the redaction in compliance with the Court's instant orders.

- b. After review and approval of the redactions and the order, the un-redacted version of the pleading and the order will be filed by the Court Clerk in a sealed court file.
- c. The stipulated redacted version and a copy of the order will be filed in the public court file.

**6. Filing of Redacted Copy (Disputed):** If the parties are unable to reach a stipulation on all proposed redactions, the following provisions shall apply:

- a. Concurrently with the filing of any original un-redacted pleading, the parties shall submit a redacted copy with those parts of the pleading the parties stipulate should be redacted, pursuant to the Court's Order, along with a Court Order regarding the stipulated redactions in a sealed envelope, as described above.
- b. As to the contested redactions, each party shall submit to the Court a proposed redacted pleading, along with a proposed Court Order regarding the redaction in a sealed envelope, as described above.
- c. The Court will rule on the contested redactions and issue an order thereon.
- d. When ruling on any contested redactions, the Court reserves the discretion to schedule a hearing regarding the contested redactions.

**7. Failure to Submit Redactions.** If the parties or a party, does not timely file a stipulated or contested redacted pleading pursuant to the orders described above, the filed un-redacted pleading will be filed in the public Court file.

**It is so ordered.**

Seth

**SCOTT M. GORDON, COMMISSIONER**

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I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 1875 Century Park East, 23rd Floor, Los Angeles, California 90067-2561.

**BY MAIL:** By placing a true copy thereof in sealed envelopes addressed to the parties listed on the attached Service List and causing them to be deposited in the mail at Los Angeles, California. The envelopes were mailed with postage thereon fully prepaid. I am readily familiar with our firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing affidavit.

Executed on January 20, 2012, at Los Angeles, California.

Lisa A. Lambrix  
Lisa Lambrix



**SERVICE LIST**  
**Lutfi v. Spears**  
**Case No. BC 406904**

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